

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION  
Honorable Edward J. Davila  
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*  
CASE NUMBER: 5:18-CR-00258-2 EJD**

**Minute Order and Trial Log**

Date: April 27, 2022

Time in Court: (9:05-11:08 AM; 11:38 AM – 2:12 PM; 2:38-3:37 PM)  
(TOTAL Time: 5 hrs, 36 min)

Courtroom Deputy Clerk: Cheré Robinson  
Court Reporter: Irene Rodriguez

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**APPEARANCES:**

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach  
Also present: Special Agent - Chris McCollow  
Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Shawn Estrada, Amanda McDowell, Sachi Schuricht

Also present: Paralegal – Jennifer Cygnor  
Also present: Ramesh Sunny Balwani (out-of-custody)

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**PROCEEDINGS: Motion Hearing and Jury Trial (Day 23)**

Jury Trial held April 27, 2022. Testimony held and evidence entered.  
Further Jury Trial set for April 29, 2022, at 9:00 AM.

See attached Trial Log.

**The following exhibits were identified and offered:**

Plaintiffs: 2537, 2248, 10527, 2760, 2772, 2791, 4528, 2548, 2972  
Defendants: 20433, 2033, 2192, 2120, 10588, 2170, 2098, 13987, 20064, 20067, 10525, 20575,  
10526, 10577, 9941, 20467, 9369, 9962, 2219

**The following exhibits are admitted into evidence:**

Plaintiffs: 2537, 2248, 10527, 2760, 2772, 2791, 4528, 2548, 2972  
Defendants: 20433, 2033, 2192, 2120, 10588, 2170, 2098, 13987, 20064, 20067, 10525, 20575,  
10526, 10577, 9941, 20467, 9369, 9962, 2219

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**HONORABLE EDWARD J. DAVILA**

**Case Name: *United States v. Ramesh Sunny Balwani***

**Case No: 5:18-CR-00258-2 EJD**

**TRIAL LOG**

<b>TRIAL DATE: April 27, 2022</b>			<b>REPORTER: Irene Rodriguez</b>	<b>CLERK: Cheré Robinson</b>
PLF	DEFT	TIME	DESCRIPTION	
		9:04 am	Jury present; Witness #8 Lisa Peterson present	
		9:05 am	Court in session presence of Jury and witness	
			Court queries Jurors re previous admonishment	
		9:06 am	Defense continues cross examination of Lisa Peterson	
		9:07 am	Ex. 20510, previously admitted	
		9:08 am	Ex. 20512, previously admitted	
		9:10 am	Ex. 3741A, previously admitted	
		9:11 am	Ex. 5805, previously admitted	
		9:13 am	Ex. 1113, previously admitted	
		9:23 am	Ex. 28448, Transcript pp. 68 and 69 published	
	20433	9:27 am	ADMITTED into Evidence: 2013-12-20 Walgreen Co. SEC Form 8K	
		9:34 am	Ex. 2015, previously admitted.	
	2033	9:43 am	ADMITTED into Evidence: 2014-10-06 Kungu/Peterson Email String re Theranos GP?	
		9:46 am	Ex. 2073, previously admitted	
	2192	9:54 am	ADMITTED into Evidence: 2014-11-06 Brieden Email re Theranos eFront Template, and attachment – Theranos Write-up for IC Approval (2).docx	
		10:00 am	Ex. 4858, previously admitted	
			Ex. 20532, previously admitted	

TRIAL DATE: April 27, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	2120	10:24 am	ADMITTED into Evidence: 2014-10-23 DeVos/Tubergen/Peterson Email String re Walgreens	
	10588	10:29 am	ADMITTED into Evidence: Theranos, Inc. Series C-2 Preferred Stock Purchase Agreement	
	2170	10:36 am	ADMITTED into Evidence: 2014-10-31 Tubergen Email to Balwani re Executed Document, and attachment – Master Signature Page	
		10:37 am	Ex. 2166, previously admitted	
	2098	10:39 am	ADMITTED into Evidence: Oct 2014 Peterson/Tubergen/Holmes/Balwani Email String re Thank you	
	13987	10:45 am	ADMITTED into Evidence: 2014-11-05 Mason/Peterson Email String re Signed write-ups	
		10:51 am	Defense completes cross examination of Lisa Peterson	
		10:52 am	Government begins re-direct of Lisa Peterson	
			Ex. 4858, previously admitted	
		10:56 am	Ex. 5805, previously admitted	
		10:58 am	Ex. 1944, previously admitted	
		11:00 am	Ex. 1853, previously admitted	
		11:03 am	Ex. 2166, previously admitted	
		11:04 am	Government completes re-direct of Lisa Peterson	
		11:05 am	Defense conducts re-cross of Lisa Peterson	
		11:07 am	Defense completes re-cross of Lisa Peterson	
			Witness Lisa Peterson excused	
			Jury exits Courtroom	
		11:08 am	Court takes break for 30 min	
		11:38 am	Court in session with Counsel outside presence of Jury and witnesses	
		11:40 am	Counsel argument re ECF No. 1413 – Defense Motion to Exclude Trial Ex. 3217	

TRIAL DATE: April 27, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		12:05 pm	Jury returns to Courtroom	
		12:08 pm	Court in session with Counsel in presence of Jury	
		12:09 pm	Government calls Witness #9 Dr. Sunil Dhawan	
			Witness Dr. Sunil Dhawan sworn	
			Government begins direct of Dr. Sunil Dhawan	
2537		12:13 pm	ADMITTED into Evidence: Nov 2014-May 2015 Balwani/Dhawan Email String re Lab Director	
2248		12:16 pm	ADMITTED into Evidence: 2014-11-25 Marmer Email to Dhawan re Theranos – Dr. Dhawan Consulting Agreement	
		12:26 pm	Ex. 4520, previously admitted	
10527		12:34 pm	ADMITTED into Evidence: Aug 2015 Gee/Dhawan Email String re Hello	
2760		12:37 pm	ADMITTED into Evidence: Sep 2015 Balwani/Dhawan Email String re update	
2772		12:40 pm	ADMITTED into Evidence: Sep 2015 Balwani/Dhawan Email String re thanks for the time	
		12:45 pm	Assay Validation Reports, previously admitted	
2791		12:48 pm	ADMITTED into Evidence: 2015-09-21 Ramamurthy Email to Dhawan re Welcome to Theranos, Dr. Dhawan!, and attachments – Theranos At Will Employment Confidential Information and Invention Assignment Agreement (PALIB2_2768193_3 d.pdf; 2015 Benefits Booklet.pdf; Dhawan Sunil – Offer Letter.pdf; Dhawan Sunil – Letter from CEO.pdf	
4528		12:51 pm	ADMITTED into Evidence: 2015-09-22 Theranos PowerPoint Presentation: CLIA Laboratory Overview	
			Ex. 5387H, previously admitted	
2548		1:08 pm	ADMITTED into Evidence: Oct 2015 Crow/Dhawan/Balwani re reporter seeking interview	
2972	Obj	1:11 pm	Offered into Evidence	
			Objection overruled.	

<b>TRIAL DATE: April 27, 2022</b>			<b>REPORTER: Irene Rodriguez</b>	<b>CLERK: Cheré Robinson</b>
PLF	DEFT	TIME	DESCRIPTION	
			ADMITTED into Evidence: 2015-11-09 Young Email to Dhawan re Lab QC review	
			Ex. 3217 - 2016-07-09 King Email to Dhawan re CMS Notice of Imposition of sanctions, and attachment – 2016-07-07 CMS Letter to Theranos re Imposition of Sanctions	
		1:16 pm	Government completes direct examination of Dr. Sunil Dhawan	
		1:17 pm	Defense begins cross-examination of Dr. Sunil Dhawan	
Obj	20064	1:32 pm	ADMITTED into Evidence: Saksena/Dhawan/Balwani Email String re Letter of Support for Suraj Saksena- Theranos	
	20067	1:35 pm	ADMITTED into Evidence: 2015-10-06 Dhawan Letter to California Department of Health re Clinical Chemist License Application of Dr. Suraj Saksena (Unique Identification No. 1009092)	
Obj	10525	1:45	Offered into Evidence.	
			Foundation to be laid	
		1:46 pm	ADMITTED into Evidence: 2014-11-21 SIEMENS MVP Summary ADVIA 2400 (S/N CA 1275000 100010 / Serum Barbiturate (sBRB), approved by Dr. Sawyer	
Obj	20575	1:48 pm	Offered into Evidence	
			Foundation to be laid	
		1:50 pm	ADMITTED into Evidence: 2014-12-02 Theranos Standard Operating Procedure CLIA Laboratory, Doc No CL SOP-06029 Revision B, Use and Maintenance of the Idaho Technology (BioFire) FilmArray <sup>®</sup> System for the Identification of Microorganisms by Multiplex PCR	
Obj	10526	1:53 pm	ADMITTED into Evidence: 2015-03-18 Theranos Standard Operating Procedure CLIA Laboratory, Document Number: CL SOP-17008 Revision: A, Roche LightCycler <sup>®</sup> Simplified Protocol	
		2:03 pm	Ex. 4528, previously admitted	
	10577	2:08 pm	ADMITTED into Evidence: Theranos Job Description: Laboratory Supervisor/Technical Supervisor	
		2:12 pm	Jury departs Courtroom	
			Court takes break for 32 minutes	

<b>TRIAL DATE: April 27, 2022</b>			<b>REPORTER:</b> Irene Rodriguez	<b>CLERK:</b> Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		2:38 pm	Jury and Dr. Sunil Dhawan return to Courtroom	
		2:39 pm	Court in session in presence of Jury and Dr. Sunil Dhawan	
			Defense continues cross-examination of Dr. Sunil Dhawan	
		2:45 pm	Ex. 9387, previously admitted	
	9941	2:46 pm	ADMITTED into Evidence: 2014-01-01 Theranos Standard Operating Procedure CLIA Laboratory, Document Number CL SOP-00020 Revision: B, Proficiency testing for Theranos Lab-developed Tests (Immunoassays)	
	20467	2:51 pm	ADMITTED into Evidence: 2015-11-14 Theranos Test Plan, Product Development, Document Number CL PLN-14220, Revision A Verification Plan for DREW3, an Automated Hematology Analyzer	
	9369	2:54 pm	ADMITTED into Evidence: 2015-11-16 Theranos TSH ELISA Assay Report, Validation Document, Document No CL RPT-14250, Revision: 2, TSH-Elisa Assay Validation Report on Edison 3.5 Theranos System	
	9962	2:56 pm	Theranos Quality System Manual, CLIA Laboratory, Document Number QSM 00001, Quality Systems Manual	
		3:07 pm	Defense completes cross-examination of Dr. Sunil Dhawan	
		3:08 pm	Government begins re-direct examination of Dr. Sunil Dhawan	
		3:11 pm	Ex. 20064, previously admitted.	
		3:12 pm	Ex. 20067, previously admitted	
		3:18 pm	Ex. 4528, previously admitted	
		3:19 pm	Government completes re-direct examination of Dr. Sunil Dhawan	
			Defense begins re-cross-examination of Dr. Sunil Dhawan	
		3:21 pm	Exs. 20064 and 20067, previously admitted	
		3:25 pm	Defense completes re-cross-examination of Dr. Sunil Dhawan	
	2219		ADMITTED into Evidence: Nov 2014 Balwani/Dhawan Email String re Lab Director	
			Government begins further re-direct-examination of Dr. Sunil Dhawan	

<b>TRIAL DATE: April 27, 2022</b>			<b>REPORTER:</b> Irene Rodriguez	<b>CLERK:</b> Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		3:27 pm	Government completes further re-direct-examination of Dr. Sunil Dhawan	
			Witness Dr. Sunil Dhawan excused.	
		3:28 pm	Court admonishes Jury	
			Jury departs Courtroom	
		3:29 pm	Court in session with Counsel out of presence of Jury and witnesses	
		3:37 pm	Court adjourns	
			Jury Trial Continued to April 29, 2022, at 9:00 AM	